

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Allan M. Miller et al.  
Serial No. : 09/407,605  
Filed : September 28, 1999

Art Unit : 1653  
Examiner : Chih Min Kam  
Confirmation No.: 2966  
Notice of Allowance Date: November 3, 2004

Title : OPTIMIZED MESSENGER RNA

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF ALLOWANCE AND INTERVIEW SUMMARY**

In response to the Notice of Allowance mailed November 3, 2004, enclosed are a completed issue fee transmittal form PTOL-85, transmittal of 33 sheets of formal drawings, Comments on Examiner's Reasons for Allowance, and a check for \$730 for the required fee, including patent copies.

Applicants thank Examiners Kam and Weber for their time to conduct a telephonic interview on February 2, 2005, regarding this application. The objection to Figs. 14A-14B was discussed, and applicants' representatives explained that applicants should not be required to label these as "prior art." The Examiners agreed to withdraw the objection. A copy of the Examiner's Interview Summary confirming the withdrawal of the objection is included herewith.

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 3, 2005  
Date of Deposit

Scott Barnett  
Signature

Scott Barnett  
Typed or Printed Name of Person Signing Certificate

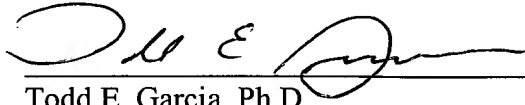
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Page : 2 of 2

Attorney's Docket No.: 10278-009001 / 9924

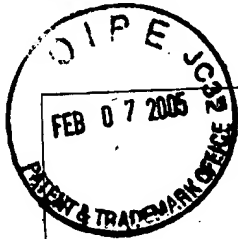
Please apply any additional charges or credits to our Deposit Account No. 06-1050,  
referencing Attorney Docket No. 10278-009001.

Respectfully submitted,

Date: 2/3/05

  
\_\_\_\_\_  
Todd E. Garcia, Ph.D.  
Reg. No. 54,112

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906



# Interview Summary

Application No.

09/407,605

Applicant(s)

MILLER ET AL.

Examiner

Chih-Min Kam

Art Unit

1653

All participants (applicant, applicant's representative, PTO personnel):

(1) Chih-Min Kam.(3) Jon Weber.(2) Laurie Butler Lawrence.(4) Louie Myers.Date of Interview: 02 February 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

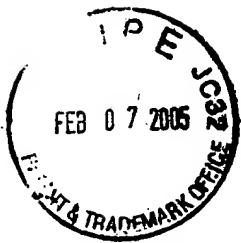
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discuss the issue regarding objection to Figs. 14A and 14B that the two figures should be designated by a legend such as "Prior Art" as indicated in the Examiner's Amendment. Examiner agrees to withdraw the objection because the codon frequency for Asn in highly expressed human gene shown in Figs. 14 A and 14 B is different from that reported in Reed et al. (US Patent 6,114,148, Table 1).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04. If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.)

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



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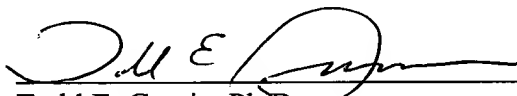
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COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

Applicants acknowledge the Examiner's conclusion that the present invention is allowable over the prior art of record. However, applicants do not concede that the Examiner's characterization of the invention and the prior art is accurate or complete, or that there are not other good reasons of record for patentability of the allowed claims. Applicants reserve the right to pursue the previously pending claims, unamended, in one or more continuation applications. Please apply any additional charges or credits to our Deposit Account No. 06-1050, referencing Attorney Docket Number 10278-009001.

Respectfully submitted,

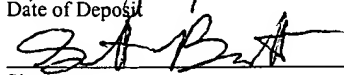
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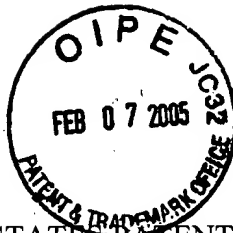
  
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Scott Barrett  
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Attorney's Docket No.: 10278-009001 / 9924

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TRANSMITTAL OF FORMAL DRAWINGS

In response to the Notice of Allowability mailed November 3, 2004, please substitute the enclosed 33 sheets of formal drawings for the corresponding drawings presently in the application.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 10278-009001.

Respectfully submitted,

Date: \_\_\_\_\_

2/3/05

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